IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

WEDNESDAY, THE 6TH JUNE 2007 / 16TH JYAISHTA 1929

WP(C).No. 13334 of 2006(K)

AGAINST THE ORDER IN EP.41/2005 IN
OS.718/2000 of II ADDL.SUB COURT,THRISSUR
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PETITIONERS:
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1. C.RAVUNNI NAIR, S/O.KOCHU GOVINDAN NAIR, SANKARATHU VALIYA VEETTIL, VARAVOOR VILLAGE, THALAPPILLY TALUK, THRISSUR DISTRICT.

2. NARAYANIKUTTY, W/O.RAVUNNI NAIR, SANKARATHU VALIYA VEETTIL, VARAVOOR VILLAGE, THALAPPILLY TALUK, THRISSUR DISTRICT.

3. RAGHAVANUNNI, S/O.NJAREKKATTU GOVINDANKUTTY, KUMBALANGAD DESOM, WADAKKANCHERY VILLAGE, TALAPPILLY TALUK.

BY ADV. SRI.P.RADHAKRISHNAN (1)
SRI.MADHU RADHAKRISHNAN

RESPONDENT:

SREE SAIVA KURIES & LOANS (P) LTD., 29/188/15, IST FLOOR, THEKKARAYIL PLAZA, SHORANUR ROAD, (NEAR SAROJA NURSING HOME), THRISSUR-680 001, REPRESENTED BY ITS MANAGING DIRECTOR.

BY ADV. SRI.K.S.BABU
SMT.N.SUDHA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 06/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

EXT. P1 **TRUE COPY OF THE EXECUTION PETITION FILED BY THE RESPONDENT DTD.7.1.05.**

EXT.P2 **TRUE COPY OF THE OBJECTIONS FILED BY THE 1ST AND 3RD PETITIONERS TO THE EP DTD. 29.5.05.**

EXT.P3 **TRUE COPY OF THE APPLICATION E.A. 2505/05 FOR REOPENING THE EVIDENCE FILED BY THE 1ST AND 3RD PETITIONERS DTD.17.12.05.**

EXT.P4 **TRUE COPY OF THE MEDICAL CERTIFICATE ISSUED BY THE DOCTOR TREATING THE 1ST PETITIONER DTD.1.12.05.**

EXT.P5 **TRUE COPY OF THE ORDER DTD.21.1.06 PASSED BY THE SUB COURT, THRISSUR.**

EXT.P6 **TRUE COPY OF THE LICENSE ISSUED BY THE WADAKKANCHERY GRAMA PANCHAYAT DTD.3.7.03.**

[True copy]

P.A. to Judge.

M.N. KRISHNAN, J.

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W.P.C. NO. 13334 OF 2006

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Dated this the 6th day of June, 2007.

J U D G M E N T

This writ petition is filed seeking to quash Ext.P5 order. The writ petitioners are the judgment debtors in E.P.41/05. A decree was passed against them for realisation of the amount of Rs.2,35,288/-. They pleaded no means. From the side of the decree holder PW1 was examined and Exts.A1 and A2 were marked. PW1 gave evidence to the effect that the first respondent is running a Hotel by name and style as Prathipa Hotel and getting a monthly income of Rs.15,000/-. He further deposed that the 3rd respondent is employed at Souhrida Kuries and he is also having properties and getting a monthly income of Rs.10,000/- from the properties. Though the evidence was attempted to be challenged in cross-examination, no effective cross-examination has been done to shake the veracity of the evidence of PW1. Further, the respondents did not mount the box at all to give any evidence to dislodge the credibility of PW1. So taking note of the situation Court below found that the evidence of PW1 is acceptable and therefore ordered arrest against the

respondents. When the matter came up for admission on 24.5.06 a direction was given to pay Rs.25,000/- and again in 2007 another direction was given to pay Rs.25,000/- before 30.5.07. It is submitted by the learned counsel for the decree holder that no amount has been received by him so far. So the attitude of the judgment debtor is very crystal clear from their conduct before this Court as well. I do not find any illegality, infirmity or irregularity in the order passed by the learned Sub Judge in ordering warrant against the judgment debtors for realisation of the debt and therefore the writ petition lacks merit and it is dismissed.

M.N. KRISHNAN, JUDGE.

ul/-